

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

RONALD F. MARTINEZ,  
Plaintiff,  
v.  
C. RODRIGUEZ,  
Defendant.

Case No.: 1:21-cv-01495-NONE-JLT (PC)

**ORDER GRANTING PLAINTIFF'S  
MOTION FOR COPY OF COMPLAINT  
(Doc. 2) AND COPIES OF MOTIONS (Doc.  
10)**

**ORDER DENYING AS MOOT  
PLAINTIFF'S MOTION REQUESTING  
COURT TO WAIVE THE E-FILING  
REQUIREMENT (Doc. 3) AND MOTION  
REQUESTING ACCESS TO LAW  
LIBRARY (Doc. 9)**

**ORDER DENYING PLAINTIFF'S MOTION  
RECINDING DISTRICT COURT JUDGE'S  
JURISDICTION TO THAT OF THE  
MAGISTRATE JUDGE (Doc. 8)**

Plaintiff has filed several motions requesting the assistance of the Court. First, Plaintiff has filed motions seeking copies of the complaint and motions filed in this case. (Docs. 2, 10.) Plaintiff alleges that he has been unable to access the law library to make copies. Under these circumstances, the Court **GRANTS** Plaintiff's requests for copies. (Docs. 2, 10.) The Clerk of Court is **DIRECTED** to send to Plaintiff copies of the complaint and Plaintiff's motions filed to date. (Docs. 1, 2, 3, 8, 9, 10, and 11.)

Plaintiff has filed a motion for access to the law library to file his application for *in forma pauperis* and certified trust account statement. (Doc. 9.) However, Plaintiff has submitted his

1 application to proceed IFP and his prisoner trust account statement. (Docs. 11, 13.) Therefore,  
2 Plaintiff's request for access to the law library, (Doc. 9), is **DENIED AS MOOT**.

3 Plaintiff also seeks an order waiving the e-filing requirement and page limitation for the  
4 complaint. (Doc. 3.) The complaint has been filed with the Court, which will screen the complaint  
5 in due course. Therefore, Plaintiff's request for a waiver is **DENIED AS MOOT**.

6 Plaintiff has also filed a motion to rescind the district judge's jurisdiction and consent to  
7 the exercise of magistrate judge jurisdiction. (Doc. 8.) The powers and duties of magistrate judges  
8 are governed by 28 U.S.C. § 636. A district judge may designate a magistrate judge to hear and  
9 determine pretrial matters, with some exceptions, which may be designated to a magistrate judge  
10 to submit proposed findings of fact and recommendations for disposition. *Id.* § 636(b)(1); E.D.  
11 Cal. R. 302(a), (c), 303, 304. Upon consent of all parties, a magistrate judge "may conduct any or  
12 all proceedings in a jury or nonjury civil matter and order the entry of judgment in the case. 28  
13 U.S.C. § 636(c); E.D. Cal. R. 305.

14 Although Plaintiff indicates that he would like to consent to magistrate judge jurisdiction,  
15 *all* parties must consent. At this early stage of the proceedings, the Court has not yet screened the  
16 complaint and the defendant has not been served. Without the consent of both parties and referral  
17 to the magistrate judge, jurisdiction remains with the district judge assigned to the case.<sup>1</sup>

18 Accordingly, the Court ORDERS as follows:

- 19 1. Plaintiff's motion for a copy of the complaint (Doc. 2) is **GRANTED**.
- 20 2. Plaintiff's motion requesting the Court to waive the e-filing requirement as to the  
21 complaint (Doc. 3) is **DENIED AS MOOT**.
- 22 3. Plaintiff's motion rescinding the district judge's jurisdiction to that of the magistrate  
23 judge (Doc. 8) is **DENIED**.
- 24 4. Plaintiff's motion for access to the law library to file motion for IFP and trust account  
25 statement (Doc. 9) is **DENIED AS MOOT**.
- 26 5. Plaintiff's motion for copies of his submitted motions (Doc. 10) is **GRANTED**. This  
27 is a one-time allowance, and the Court will not again provide copies without the  
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<sup>1</sup> This case is assigned to the Unassigned District Judge.

1 plaintiff prepaying the cost. He is urged to obtain copies of his documents before filing  
2 if he wishes to have them.

3 The Court DIRECTS the Clerk of Court send to Plaintiff copies of the complaint and  
4 Plaintiff's motions. (Docs. 1, 2, 3, 8, 9, 10, 11.) The Clerk is further directed to attach a blank  
5 consent form to this order, should Plaintiff wish to consent to magistrate judge jurisdiction.

6  
7 IT IS SO ORDERED.

8 Dated: December 6, 2021

/s/ Jennifer L. Thurston  
CHIEF UNITED STATES MAGISTRATE JUDGE